

DIVISION 5 SPECIAL DISTRICTS

35-340 Purpose

Special Districts address unique situations. However, unlike Overlay Districts, Special Districts replace the standards and requirements of the Base Districts. In effect, they are a parallel Code and an alternative to proceeding under conventional zoning.

35-341 Mixed Use District (“MXD”)

To provide concentrated residential, retail, service, office and mixed uses. This district does not regulate land uses but, instead, permits any use to be established subject to design standards established in the Use Patterns (Article 2). Urban design standards are required in order maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center. Pedestrian circulation is required as are common parking areas.

The MX District implements the following policies of the Master Plan:

- *Neighborhoods, Policy 2b: Amend the Unified Development Code to ... create mixed use districts.*
- *Urban Design, Policy 1c: develop zoning regulations that would allow mixed-use development (i.e. residential and commercial) to be placed in the same building.*
- *Urban Design, Policy 1f: Encourage mixed-use zones around existing and new City facilities to foster a greater mix of activities and social interaction.*
- *Urban Design, Policy 5b: Encourage resident and employment growth within walking distance of the downtown area and neighborhood centers in order to support an inter-modal transportation system.*
- *Urban Design, Policy 5e: Promote public and private sector, ride-sharing, flexible working hours, parking management innovations, and mixed-use developments as means of reducing the demand for peak period vehicular trips.*

(a) Locational Criteria

An MX District may be designated for areas:

- (1) with an existing mix of retail, office, service and residential uses located within a radius of one-quarter ($\frac{1}{4}$) of a mile, or
- (2) on a tract or parcel for which a TND Use Pattern is proposed.

(b) Use Regulations

The Use Matrix is not applicable to a Mixed Use District provided, however, that no building permit shall be issued unless requested use conforms to a Master Development Plan approved as part of a rezoning to an MX District. If an MX District is not approved pursuant to a conditional rezoning, permitted uses shall be governed by the TND Regulations. A TND may be permitted in an MX as of right.

(c) Lot and Building Specifications

See TND Regulations (§ 35-207 of this Chapter).

(d) General Provisions

See TND Regulations (§ 35-207 of this Chapter).

35-342 Transit Oriented Development District ("TOD")

The Transit Oriented Development District encourages a mixture of residential, commercial, and employment opportunities within identified light rail station or other high capacity transit areas. The district allows for a more intense and efficient use of land at increased densities for the mutual re-enforcement of public investments and private development. Uses and development are regulated to create a more intense built-up environment, oriented to pedestrians, to provide a density and intensity that is transit supportive. The development standards of the zone also are designed to encourage a safe and pleasant pedestrian environment near transit stations by encouraging an intensive area of shops and activities, by encouraging amenities such as benches, kiosks, and outdoor cafes, and by limiting conflicts between vehicles and pedestrians. It is the intent of this Section that a TOD district be restricted to areas within one-half (½) of a mile of a transit station, which area is equivalent to a typical 10-minute walking distance.

(a) Locational Criteria

See § 35-208(c).

(b) Development Standards

No Application shall be approved within a TOD district unless it complies with the standards set forth in the TOD Use Patterns, § 35-203 of this Chapter.

35-343 Infill Development Zone (“IDZ”)

To provide flexible standards for the development and reuse of underutilized parcels. Urban design standards are required in order maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center. Pedestrian circulation is required as are common parking areas. Any use may be permitted within an IDZ so long as it complies with the standards of this Section.

The purpose of this section is to encourage and facilitate development on vacant, bypassed lands, or the redevelopment of underutilized buildings or structures, within existing built-up areas. The specific purposes of this section are:

- To provide a more flexible approach to design and development of infill projects.*
- To use the objectives of Smart Growth as the basis for evaluating proposed infill projects.*
- To encourage infill development by simplifying procedures for plan approval and public involvement.*
- To encourage planning and design flexibility and innovations.*
- To create a community environment that is enhanced by a mix of residential, commercial, recreational, open space, employment and institutional uses.*
- To assure community compatibility through high standards of land planning, site and architectural design.*
- To encourage efficient use of land and public services.*
- To ensure adequate public facilities and other community amenities by simplifying and streamlining the approval of private development activities in areas with existing public facilities and infrastructure.*

The provisions of this Section apply to a geographic portion of the City adopted by City Council to compliment the Community Revitalization Action Group (CRAG) Report of the Special Projects Office of the City.

The IDZ implements the following policies of the Master Plan:

- Growth Management, Policy 1g: Continue to make physical improvements in the inner city to encourage redevelopment and infill development.*
- Economic Development, Goal 4: Provide economic opportunities in targeted areas, particularly within Loop 410 and the southern sector.*
- Neighborhoods, Policy 1a: Rezone vacant or underutilized property in and around neighborhoods to encourage redevelopment that is compatible in use and intensity with the existing neighborhood.*
- Neighborhoods, Policy 1d: Promote conversion or adaptive reuse of vacant or underutilized commercial buildings to provide affordable infill housing.*
- Neighborhoods, Policy 1d: Provide incentives to the private sector to promote reuse of vacant or underutilized commercial buildings for affordable housing through such mechanisms as zoning and platting processing.*
- Neighborhoods, Policy 2b: Amend the Unified Development Code to ... create mixed use districts.*
- Neighborhoods, Policy 4a: Preserve and revitalize housing and promote targeted infill housing in neighborhoods, particularly older neighborhoods located inside Loop 410.*

- *Urban Design, Policy 1c: develop zoning regulations that would allow mixed-use development (i.e. residential and commercial) to be placed in the same building.*
- *Urban Design, Policy 1d: Develop criteria and procedures for infill development which will enhance the character of neighborhoods.*
- *Urban Design, Policy 1e: Permit zero setbacks for commercial and multi-family developments.*
- *Urban Design, Policy 4b: Use incentives to encourage development in underutilized urban areas.*
- *Urban Design, Policy 4b: Consider alternatives to existing Setback, right-of-way, and other platting and zoning requirements to encourage development.*
- *Urban Design, Policy 4b: Consider rezoning underutilized areas to accommodate and promote appropriate redevelopment, while being cognizant of the surrounding areas' environment.*
- *Urban Design, Policy 5b: Encourage resident and employment growth within walking distance of the downtown area and neighborhood centers in order to support an inter-modal transportation system.*
- *Urban Design, Policy 5e: Promote public and private sector, ride-sharing, flexible working hours, parking management innovations, and mixed-use developments as means of reducing the demand for peak period vehicular trips.*

(a) Locational Criteria

(1) Generally

An IDZ may be located within *Community Revitalization Action Group (CRAG)* target area as designated on the effective date of this Chapter, which area generally includes the territory located inside the corporate boundaries of the City as they existed in 1940. An IDZ may also be located in a Census Tract, an area subject to a Neighborhood Plan adopted pursuant to § 35-420 of this Chapter, or other area designated by the City Council pursuant to an ordinance establishing an IDZ zone, in which at least two (2) of the following factors are present:

- A. At least ten percent (10%) of the structures are abandoned; or
- B. At least ten percent (10%) of the platted lots are vacant; or
- C. At least ten percent (10%) of the lots or structures are subject to tax liens.

(2) Mapping

The Planning Department may prepare a map of Infill Development Zones (IDZ's) which meet the criteria set forth above. The IDZ may be approved by the City Council as part of the Official Zoning Map.

(b) Use Regulations

(1) Unless the ordinance designating an IDZ provides otherwise:

- A. A proposed Infill Development with frontage on a Local Street may be approved for any use permitted in the Base Zoning District in which it is located.
- B. A proposed Infill Development located on a Collector Street or higher classification may be approved for any use permitted in the following zoning districts: any Residential Zoning District, O (Office), NC (Neighborhood Commercial), C-1 (Commercial), C-2 (Commercial), C-3 (Commercial), or D (Downtown).

(2) The ordinance designating an IDZ may provide:

- A. a list of permitted uses, specific uses, and prohibited uses pursuant to a Neighborhood Plan; or
- B. a designation of the IDZ as an Overlay Zoning District, in which case the permitted uses are those authorized in the Base Zoning District designation.

(c) Lot and Building Specifications

The side, front and rear setback provisions of the Zoning regulations (Article 3) shall not apply to an approved Infill Development provided, however, that no new or existing building shall be erected, constructed or expanded to extend within the public right-of-way or within five (5) feet of the rear lot line.

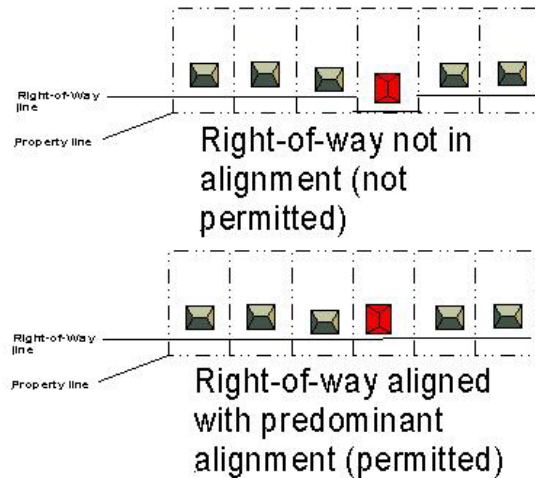
(d) Adequacy of Public Facilities

The Adequate Public Facilities Regulations (§ 35-502 of this Code) do not apply to an Application for Development Approval within an IDZ.

(e) Transportation**(1) Standards not applicable**

The Transportation Standards shall not apply to Infill Development which involves the activities listed in subsections A and B below, except as provided in subsections (2) below. The Transportation Standards shall apply to all other Infill Development not listed below.

- A. The reuse of an existing building; or
- B. The development of an existing parcel or lot of less than twenty-thousand (20,000) square feet.

(2) Standards which are applicable**Figure 343-1**

The following provisions of the Transportation Standards shall apply to all Infill Development, including that listed above:

- A. Standards relating to sidewalks, § 35-505(q) provided, however, that the Applicant shall not be required to provide a sidewalk width exceeding that of any existing sidewalks adjoining the site.
- B. If the lot adjoins a Street in which the Right-of-Way is not aligned with the adjoining parcels, the standards relating to the dedication of Right-of-Way (§ 35-505(g)) shall apply (see Figure 343-1).

(f) Stormwater Management

Infill Development shall comply with the Stormwater Management Standards, § 35-504 of this Chapter, except as otherwise provided herein. The Stormwater Management Standards shall not apply to the following:

- (1) The reuse of an existing building; or
- (2) The development of an existing parcel or lot of less than ten-thousand (10,000) square feet.

The Stormwater Management Standards shall apply to all other Infill Development not listed above.

(g) Utilities

The Utilities Standards shall apply to Infill Development.

(h) Parks & Open Space

The Parks and Open Space Standards (§ 35-503 of this Chapter) shall not apply to Infill Development.

(i) Natural Resource Protection

The Natural Resource Protection Standards (Article 5, Division 5 of this Chapter) shall not apply to Infill Development.

(j) Buffers, Landscaping, Streetside Planting and Tree Preservation

The Buffering Standards (§ 35-510) shall not apply to Infill Development. The Landscaping Standards (§ 35-511) and Streetscape Planting Standards (§ 35-512) shall apply. An additional twenty-five (25) points shall be awarded under § 35-511 (m) (Elective Requirements), for landscaping on lots within the IDZ.

(k) Parking






The minimum parking requirements of the Parking Standards shall not apply to Infill Development. All other provisions of the Parking Standards shall apply to Infill Development.

(l) Outdoor Storage

The Outdoor Storage Standards shall apply to Infill Development.

(m) Urban Design

Any new building, or any extension or enlargement of an existing building, shall be compatible in massing to buildings on adjoining lots. For purposes of this Section, the term “massing” refers to the shape and form of a building provided by all, or a combination of, architectural elements such as roof configuration, spacing between buildings, setbacks from the street right-of-way, proportion of fenestration and entryways, building form, exterior building materials, building scale, architectural styles, and landscaping. See Richard Hedman, *Fundamentals of Urban Design* (Chicago: American Planning Association, APA Planner's Press, 1985), at 11-19, which document is hereby incorporated by reference. A building or site plan shall be considered to be “compatible in massing” to adjoining buildings or uses if at least two (2) of the following elements are provided:

<p>SPACING BETWEEN BUILDING FACADES. A narrow setback (not exceeding 20 feet) shall be provided between building facades facing the public right-of-way in order to frame the structure and to provide spacing and rhythm between the structures. If an adjoining lot is vacant, the building façade shall be located within ten (10) feet of the side setback line. The provisions of this section shall not apply to Single-Family Detached Dwellings or lots adjoining a Single-Family Detached Dwelling.</p>	
<p>PROPORTION OF WINDOWS, BAYS, AND DOORWAYS. Windows, doorways, bays, and pediments meet the following criteria: (1) windows, doorways, bays, and pediments do not vary more than ten percent (10%) in size from windows, doorways, bays, and pediments in the facade of adjacent buildings on the site, and (2) vertical or horizontal elements tied together in bands across facade lengths.</p>	
<p>PROPORTION OF PRIMARY FACADE. The size of facades facing the public right-of-way are similar in area and height to width ratios. The size of the facade shall be considered "similar" if the proposed facade does not vary by more than thirty percent (30%) in circumference from any adjoining façade. If this standard cannot be met because of the variation in size of two adjoining facades, the proposed building shall not vary by more than thirty percent (30%) from one of the adjoining facades, at the discretion of the applicant.</p>	
<p>LOCATION AND TREATMENT OF ENTRYWAY. At least one (1) entryway shall be provided along the front façade. In order to create visual commonality between structures, the following criteria shall apply: (1) the size of entryways in building facades facing the public right-of-way shall not vary by more than thirty percent (30%) in size, and (2) the height of entryways for adjacent buildings shall not vary more than thirty percent (30%) from grade, as measured from the ground floor elevation.</p>	
<p>BUILDING SCALE. Building height and configuration shall not vary by more than ten percent (10%), unless needed to maintain continuity between the ground floor elevation of adjoining buildings on the site.</p>	

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35-344 *Planned Unit Development District (“PUD”)*

The planned unit development (PUD) district is established for the following purposes:

- *To provide flexibility in the planning and construction of development projects by allowing a combination of uses developed in accordance with an approved plan that protects adjacent properties.*
- *To provide an environment within the layout of a site that contributes to a sense of community and a coherent living style.*
- *To encourage the preservation and enhancement of natural amenities and cultural resources; to protect the natural features of a site that relate to its topography, shape and size; and to provide for a minimum amount of open space.*
- *To provide for a more efficient arrangement of land uses, buildings, circulation systems and infrastructure.*
- *To encourage infill projects and the development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility or topography.*
- *To allow for private streets and gated entrances for new subdivisions.*

(a) *Evaluation Criteria*

In order to foster the attractiveness of a planned unit development and its surrounding neighborhoods and thereby preserve property values, and in order to provide an efficient road and utility network, ensure the movement of traffic, implement comprehensive planning, and better serve the public health, safety, and general welfare, the following criteria shall be utilized by the planning commission in reviewing PUD plans. These criteria shall neither be regarded as inflexible requirements nor are they intended to discourage creativity or innovation.

- (1) Insofar as practicable, the landscape shall be preserved in its natural state by minimizing tree and soil removal.
- (2) Proposed buildings shall be sited harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings.
- (3) With respect to vehicular and pedestrian circulation and parking, special attention shall be given to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and the arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed structures and neighboring properties.
- (4) Private streets and gates shall conform to Article 5 of this Chapter.

(b) *Minimum size*

There is no minimum size for a planned unit development.

(c) Permitted uses and density

(1) Uses.

A planned unit development may include residential, commercial and industrial uses; cluster housing; common areas; unusual arrangements of structures on site; or other combinations of structures and uses that depart from standard development. The uses permitted in a PUD are those designated in the approved PUD Plan. Density limits are used to determine the maximum number of permitted dwelling units.

(2) Density table.

The PUD Plan shall divide the PUD into land use categories and shall indicate the uses permitted in each category. For residential land use categories, the maximum number of dwelling units permitted per acre for each land use category is as follows:

Land Use Category	Maximum Density
RE	1
R-20	2
R-6, RM-6	7
R-5, RM-5	9
R-4, RM-4	11
MF-25	25
MF-33	33
MF-40	40
MF-50	50

(3) Attached dwelling units.

Dwelling units may be attached in all PUD districts except for land use categories designated RE and R-20.

(4) Lots.

There is no minimum area requirement for lots and lots need not front onto a street. Lot boundaries may coincide with structure boundaries except where perimeter lot Setbacks are required.

(d) Height and yard requirements

(1) Height limitation

The maximum height of structures shall be as prescribed below; however, any portion of a structure may exceed this limit provided such portion is set back from the side and rear lot lines, or Setbacks if required, one (1) foot for each two (2) feet of height in excess of the maximum building height. Distance

credit shall be permitted for space occupied by structures of conforming height extending from the lot lines or Setbacks as applicable.

Structures devoted to the following uses:	Shall be restricted to the following height:
Dwelling, one family; Dwelling, single-family; Duplex; Dwelling, one-family attached; Dwelling, Single-Family Detached; Dwelling, two-family (duplex); Dwelling, two-family attached; Dwelling, three-family (triplex); Dwelling, four-family (quadraplex)	35ft/2.5 stories
Multi-Family not exceeding 25 units/acre	35
Multi-Family not exceeding 33 units/acre	45
Multi-Family not exceeding 40 units/acre	60
Multi-Family not exceeding 50 units/acre	--
Commercial Buildings (LBCS Structure Classification 2100 – 2593, 3000, 4000), except as otherwise listed below	35
Malls, shopping centers, or collection of shops - Regional center (enclosed mall with two or more anchors) or Superregional center (similar to regional, but with three or more anchors)	45
Light Industrial Uses (LBCS Structure Classification 2610, 2700)	35
General Industrial Uses (LBCS Structure Classifications 2620, 5000, 6000)	60

(2) Fences.

- A. Along collector and arterial streets, fences or walls within a PUD may extend to a height of eight (8) feet subject to the clear vision area requirements.
- B. No such fence or wall, or portion thereof, shall exceed one-hundred (100) horizontal feet in length unless one of the following architectural features visible from the paved surface of the street is provided as part of the fence:
 1. A column or pillar; or
 2. Articulation of the surface plane wall by incorporating plane projections or recesses having a depth of at least one (1) foot and extending a horizontal distance not less than three (3) or more than twenty (20) feet.
- C. The provisions of subsection B, above, shall not apply to a fence or wall constructed of brick, masonry, or wrought iron fences consisting of at least fifty percent (50%) open voids. The square footage of the fence shall be measured by taking the total square footage of an area defined by the length of the fence and its average height. The percent of open voids shall then be derived by dividing the total square footage of the open voids by the total square footage of the area calculated above, and multiplying this figure by one-hundred (100). The fence's framing (the vertical posts supporting the fence from the ground and no more than three (3) horizontal cross bars between the

posts, or brick or stone pillars) shall not be included in the calculation of the total square footage, provided the framing posts and cross bars do not exceed a four (4) inch width and the posts are spaced at least eight (8) feet apart.

(e) Required Setbacks

- (1) Setbacks shall be governed by the PUD Plan. Lots located on the perimeter of a PUD shall adhere to the minimum and maximum Setback requirements of the base zoning district unless a lesser Setback is approved in the PUD plan. There are no Setbacks for interior lots provided the requirements of the Uniform Building Code are met.
- (2) If access to a garage or carport is provided from the front or side of a lot, then the garage/carport shall maintain a twenty-foot Setback from the back of the sidewalk, or curb if there is no sidewalk, as measured along the centerline of the driveway.

(f) Infrastructure requirements

(1) Streets and sidewalks.

Streets within a PUD may be public or private. However, the planning commission may require dedication and construction of public streets through or into a PUD. Public or Private streets shall conform to the Transportation Standards of this Chapter (see § 35-505(j) of this Chapter)..

(2) Utilities.

All utility systems shall comply with the Utilities Standards of this Chapter. Water and sanitary sewer systems within a PUD may be publicly or privately owned; however, the maintenance of private systems shall be the responsibility of the PUD community association. Public utility systems shall be approved by the applicable agency or city department.

(3) Easements.

Publicly owned and/or maintained utilities shall be placed in public streets or easements which are a minimum of sixteen (16) feet in width unless a narrower width is approved by the applicable utility. Dead-end easements shall not be permitted unless a city approved vehicular turnaround is provided at the end of each such easement.

(4) Garbage collection.

If in the opinion of the director of public works, private streets in a PUD are arranged so that garbage may be collected without creating a safety hazard, the city will collect the garbage provided proper indemnification is received from the community association or individual property owners. Garbage collection locations shall be subject to the approval of the director of public works. In the event the city does not collect garbage within a PUD, all units within the PUD may be exempted from payment of garbage fees upon furnishing of evidence ensuring acceptable removal of all garbage and refuse by private means. To receive such exemption, written application must be submitted to and approved by the director of finance.

(g) Parks/Open space

Each PUD plan shall provide for a minimum amount of parks/open space as required by subsection (1) below. Parks/Open Space shall include yards and any Parks/Open Space areas which conform to the Parks/Open Space Standards (§ 35-503) of this Chapter. Up to twenty (20) percent of the total open space requirement may be met by including one-half of any accessible and contiguous parkland, unimproved floodplain, cemetery, or other beneficial open area which has a reasonable expectancy of perpetuity.

(1) Parks/Open space percentages.

The minimum open space percentage requirements are as indicated in the table below. They are calculated by dividing the total open space within a PUD by the gross site area. The land use category shall be determined by the base zoning district. For PUDs which include both residential and nonresidential uses, the required open space shall be calculated by multiplying the open space percentage times the area of each use and adding the products thus obtained.

Land Use Category	Required Parks/Open Space (in percent)
Residential	35%
Non-Residential	20%

(2) Reduction in parks/open space.

At its discretion, the planning commission may approve a decrease in the amount of required parks/open space when the PUD plan includes unique design features or amenities which achieve an especially attractive and desirable development such as, but not limited to, terraces, sculpture, water features, preservation and enhancement of unusual natural features, or landscape sculpture (areas which are intensely landscaped).

(h) Parking requirements

Off-street parking and truck loading facilities shall be provided in accordance with Parking Standards of this Chapter. Parking shall be prohibited on any private street less than twenty-eight (28) feet in width and if utilized on streets twenty-eight (28) feet or wider, the parking must be clearly distinguishable from the movement lanes.

(i) Common areas and facilities

Adequate provision shall be made for a community association or other legal entity with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common areas and facilities, including private streets and sidewalks, which are a part of the PUD. The applicant shall submit a legal instrument establishing a plan for the use and permanent maintenance of the common areas/facilities and demonstrating that the community association is self-perpetuating and adequately funded to accomplish its purposes, and providing the city with written permission for access at any time without liability when on official business, and further, to permit the city to remove obstructions if necessary for emergency vehicle access and assess the cost of removal to the owner of the obstruction. The instrument must be approved by the city attorney as to legal form prior to any plat recordation and shall be recorded at the same time as the plat.

(j) PUD plan

After the PUD zoning is granted, a PUD Plan shall be submitted to and approved by the planning commission prior to approval of any plats or the issuance of any building permits or certificates of occupancy. The PUD plan shall incorporate any conditions imposed with the granting of the PUD zoning.

35-345 Master Planned Community Districts (“MPCD”)

The Master Planned Community District is a Special District established to encourage the development of areas of mixed uses that are internally compatible in an effort to achieve well designed development and provide a more efficient arrangement of land uses, building and circulation systems.

(a) Uses

- (1) A “MPCD” may include both residential and commercial uses. In particular, all residential single family (including gated communities) and multi-family uses; O-1 and O-2 office uses; and NC, C-1, C-2, and C-3 commercial uses as defined in this Chapter, are specifically permitted in the “MPCD” zoning base district.
- (2) In addition, business park uses shall be permitted in a “MPCD” zoning base district, subject to the performance standards established in subsection (l) of this section, as follows:
 - wholesaling,
 - research and development,
 - manufacturing,
 - processing,
 - fabrication, and assembly,
 - testing,
 - repair,
 - servicing,
 - storage,
 - laboratory,
 - warehousing,
 - displaying, or
 - distribution of goods, materials or products.
- (3) Vehicular access to a business park use shall be permitted only from major thoroughfares as designated in the City’s Major Thoroughfare Plan.
- (4) The location of all land use categories shall be designated on the “MPCD” site plan as residential (single family), attached residential (multi-family), office, commercial or light industry.

(b) Size

An “MPCD” shall consist of at least 100 contiguous acres.

(c) Site Plan

- (1) Simultaneous with the request for “MPCD” zoning, an “MPCD” Site Plan shall also be filed. An application for rezoning to an “MPCD” shall not be deemed complete unless accompanied by a proposed “MPCD” Site Plan. The “MPCD” Site Plan shall be governed by Section 35-412(c)

Completeness Review and Section 35-412(e) Approval Criteria of this Chapter. In addition to the applicable requirements of Article 5 of this Chapter, the "MPCD" Site Plan shall also be reviewed for compliance with the terms of this section.

- (2) "MPCD" Site Plans shall be reviewed by the Zoning Commission and approved by the City Council concurrent with the application for rezoning to an "MPCD." The zoning ordinance shall provide that adherence to the "MPCD" Site Plan, or the amended "MPCD" Site Plan is required within the "MPCD" provided, however, that a rezoning shall not be required for the approval of a minor change to the "MPCD" Site Plan as defined in subsection (e)(3) of this Section. The Site Plan shall include the proposed land uses by location, type (single-family, multi-family, office or commercial), density and size. Where single family uses are designated, minimum lot size shall be included and major physical features such as easements, streams, flood plains, and significant vegetation shall be noted.
- (3) If a Master Planned Community is proposed outside of the City's zoning jurisdiction, but within the City's extraterritorial jurisdiction, then the property owner may submit a Master Site Plan that conforms with the provisions contained within the section. In addition, the property owner upon submittal of the Master Site Plan may designate such Site Plan as a Master Planned Community Site Plan. If the property which is the subject of the Master Planned Community Site Plan is subsequently annexed into the City's zoning jurisdiction, then the City shall initiate a rezoning application for the subject tract to rezone the property to "MPCD". The rezoning request and the previously approved Master Site Plan with Master Planned Community designation shall then be reviewed for approval pursuant to the procedures contained herein.

(d) Coordination with Independent School Districts

A copy of the site plan shall be provided to the independent school district or districts in which the "MPCD" is proposed to be located. The applicant shall coordinate with the independent school district(s) in order to address the educational needs that may arise with the development of the "MPCD."

(e) Amendments to "MPCD" Master Site Plan

- (1) Revisions to a previously approved "MPCD" Master Site Plan shall be classified as minor or major changes. An application for a major or minor change to "MPCD" Site Plan shall be subject to Section 35-412(c) **Completeness Review** provisions of this Chapter. Within five (5) working days after filing the proposed revisions, required items and information, the Director of Planning shall provide a written response indicating whether or not the submitted revised "MPCD" Site Plan has been accepted as a minor or major revision. If it is determined by the Director of Planning that the revised submittal is considered a minor change then said submittal shall be processed by the Director of Planning and shall not require review by the Zoning Commission or approval by the City Council. The Applicant may appeal a conditional acceptance by the Director of Planning using the same process as the initial "MPCD" Site Plan submittal described in subsection (c) of this Section. If it is determined by the Director of Planning that the proposed revision is a major change then said proposed major revisions shall be processed in the same manner as the initial "MPCD" Site Plan submittal described in subsection (c) of this Section.
- (2) A Major Amendment to an "MPCD" Site Plan shall include:

- A. Any increase in the total number of Residential units for the entire "MPCD"
 - B. Any increase in the total Commercial acreage within the "MPCD"
 - C. Any increase in the total industrial acreage within the "MPCD"
 - D. Any increase in the cumulative Traffic Impacts of the entire "MPCD" upon outlying transportation infrastructure
 - E. Any increase in the total sewer capacity required for the "MPCD" as measured in Equivalent Dwelling Units.
 - F. Any increase in the total water capacity required for the "MPCD" as measured in Equivalent Dwelling Units.
 - G. Any decrease above 10% in the total Open Space acreage within the "MPCD"
 - H. Any decrease in perimeter buffers between the "MPCD" and adjacent properties.
 - I. Any change in a proposed land use node from residential to an office, commercial or light industrial use, if the property where the proposed change is to occur abuts existing property in which the Principal Use is a Single Family Residence.
- (3) Any other revision to an "MPCD" Site Plan not described in subsection (2), above, shall be deemed a Minor Change.

(f) Height and Yard Requirements

- (1) Height limitation. The maximum height of structures shall be thirty-five (35) feet; however, any portion of a structure may exceed this limit provided such portion is set back from the side and rear lot lines, or Setbacks if required, one (1) foot for each two (2) feet of height in excess of the thirty-five (35) feet. Distance credit shall be permitted for space occupied by structures of conforming height extending from the lot lines or Setbacks as applicable.
- (2) Minimum yard. Single family lots shall comply with the lot requirements of the zoning base district that requires a minimum lot square footage that is less than or equal to the lot square footage shown on the "MPCD" Site Plan. Multi-family, office and commercial shall comply with the setback requirements of the Uniform Building Code.
- (3) Fences. Along collector and arterial streets, fences within a "MPCD" may extend to a height of eight (8) feet subject to the clear vision area requirements of § 35-505(f) of this Chapter.

(g) Required Natural Buffer

Unless the perimeter of the "MPCD" is bound by a street or roadway, any property located on the boundary of the "MPCD" shall maintain a twenty foot (20') natural buffer (trees, grass or other vegetation) when:

- the “MPDC” property, used (or proposed for use) for other than single-family purposes, abuts property outside the “MPDC” that is used (or is vacant and zoned) for single-family purposes; or
- the “MPDC” property, used (or proposed for use) for single-family purposes, abuts property outside the “MPDC” that is used (or is vacant and zoned) for other than single-family purposes.

(h) Infrastructure Requirements

- (1) Streets and sidewalks.
 - A. Streets within a “MPDC” may be public or private.
 - B. The entrance to private streets may provide control access by gates or other means permitted by this Chapter (see § 35-505(s)).
 - C. Alternative Street and Sidewalk Standards may be applied within a “MPCD.” In order to be applicable to a particular “MPCD” the Alternative Street and Sidewalk Standards must be submitted as part of the “MPCD” site plan and the site plan must be approved by the City Council. For purposes of this subsection, an “Alternative Street and Sidewalk Standard” means a standard which varies from the requirements of § 35-505(d) of this Chapter.
 - D. Whether public or private, streets and sidewalks shall conform to the Transportation Standards of this chapter, as applicable to Streets, or Alternative Street and Sidewalk Standards” approved as part of an “MPCD” Site Plan.
- (2) Utilities. All utility systems shall comply with the Utilities Standards (§ 35-506) of this chapter.
- (3) Easements. Publicly owned and/or maintained utilities shall be placed in public streets or easements which are a minimum of sixteen (16) feet in width unless a narrower width is approved by the applicable utility. Dead-end easements shall not be permitted unless a city approved vehicular turnaround is provided at the end of each such easement.

(i) Open Space

Each “MPDC” plan shall provide for a minimum amount of open space as required by subsection (1) below. Open Space shall include yards and any Parks or Open Space areas which conform to the Parks and Open Space Standards of this Chapter. Up to twenty (20) percent of the total open space requirement may be met by including one-half of any accessible and contiguous parkland, unimproved floodplain, cemetery, or other beneficial open area which has a reasonable expectancy of perpetuity.

(1) Open space percentages.

The minimum open space percentage requirements are as indicated in the table below. They are calculated by dividing the total open space within a PUD by the gross site area. The land use category shall be determined by the base zoning district. For PUDs which include both residential and nonresidential uses, the required open space shall be calculated by multiplying the open space percentage times the area of each use and adding the products thus obtained.

<i>Land Use Category</i>	<i>Required Open Space (in percent)</i>
Residential	35%
Non-Residential	20%

(2) Reduction in open space.

At its discretion, the planning commission may approve a decrease in the amount of required open space when the MPCD plan includes unique design features or amenities which achieve an especially attractive and desirable development such as, but not limited to, terraces, sculpture, water features, preservation and enhancement of unusual natural features, or landscape sculpture (areas which are intensely landscaped).

(j) Parking Requirements

Offstreet parking and truck loading facilities shall be provided in accordance with Parking Standards of this chapter.

(k) Compatibility Standards

(1) Applicability

This section applies to any use within an MPCD which abuts property on which a single-family residential use is located. In this section, a "single-family residential use" includes any single-family dwelling, duplex, triplex, fourplex, townhome, or residential condominium. The abutting property on which a "single-family residential use" is which is established, or is to be used, as evidence by notation on the "MPCD" site plan, is referred to in this subsection (k) as a "single-family area."

(2) Height limitations

A structure subject to subsection (k)(1) of this Section::

- A. Shall be located at least twenty-five (25) feet from a single-family area;
- B. Shall not exceed two stories or 30 feet in height if the structure is 50 feet or less from a single-family area;
- C. May exceed two stories or 30 feet in height, but shall not exceed three stories or 40 feet in height, if the structure is 100 feet or less from a single-family area.

(3) Increase in height limitations

The height of a structure subject to subsection (k)(1) of this Section may increase by:

- A. one foot for each feet of distance from property that triggers the compatibility standards if the structure is at least 100 feet but not more than 300 feet from an abutting tract which is used or is to be used, as evidenced by a notation on the "MPCD" site plan, for

single-family residential purposes, and the increased height is permitted by in a "MPCD"; or

- B. one foot for each four feet of distance from property that triggers the compatibility standards if the structure is at least 300 feet, but not more than 540 feet, from property in an abutting tract which is being used or is to be used, as evidence by notation on the "MPCD" site plan, for single-family residential purposes; and the increased height is permitted by the applicable zoning district regulation.

(4) Scale and clustering requirements

The massing of buildings and the appropriate scale relationship of a building to another building may be accomplished by:

- avoiding the use of a continuous or unbroken wall plane; and
- using an architectural feature or element that creates a variety of scale relationships, creates the appearance of a residential structure, or is consistent with the exterior form and materials of a structure on an adjoining property; and
- using similar materials for all buildings within the designated land use category; and
- using a design technique or element that creates a building scale which does not exceed single-family residential uses within the MPCD, prevents the construction of a structure in close proximity to a single-family residence zoning district that is significantly more massive than a structure in a single-family residence zoning district; and allows the construction of a structure, including a multi-family structure, that exhibits a scale and massing that is consistent with a single-family residential use.

Except where the "MPCD" site plan specifically provides otherwise, the first block of buildings subject to this subsection must be clustered in a group that is not more than 50 feet wide, as measured along the side of the buildings that are most parallel to the property line of the site. The depth of the first tier of buildings described under Subsection (B) may not exceed:

- two units; or
- 60 feet.

A building must be at least 10 feet apart from another building, as measured from wall face to wall face.

(5) Screening requirements

Buildings shall be screened from the view of adjacent property single-family land use category if the use for the building to be constructed is intended for off-street parking, the placement of mechanical equipment, storage, refuse collection or any business park use. A person may comply with this subsection by providing a yard, fence, berm, or vegetation. If a fence is provided, the height of the fence may not exceed six feet, except as provided within this Chapter. The owner must maintain a fence, berm, or vegetation provided under this section.

(6) Design regulations

- A. Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent property which is being utilized for single-family residential purposes.
- B. The noise level of mechanical equipment may not exceed 70 db at the property line.
- C. A permanently placed refuse receptacle, including a dumpster, shall not be located within 20 feet of a single-family land use area.
- D. A highly reflective surface, including reflective glass and a reflective metal roof with a pitch that exceeds a run of seven to a rise of 12, may not be used, unless the reflective surface is a solar panel or copper or painted metal roof.
- E. An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from a single-family area.

(l) Business Park Uses Performance Standards

In addition to this section's compatibility standards, set out in subsection (k) immediately above, business park uses shall conform to performance standards as follows:

- (1) Air pollution. All uses within a business park district shall operate in compliance with the most current revision of the regulations of the Texas Air Control Board pertaining to the control of air pollution. The city hereby adopts by reference these regulations, a copy of which is on file in the offices of the city clerk and the planning department.
- (2) Noise. All uses shall comply with the provisions of Chapter 21, Article III of the City Code, Noise, and shall not create a noise nuisance as defined in said Article III of Chapter 21.
- (3) Glare and heat. No direct or sky-reflected glare so as to be visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this ordinance. There shall be no emission or transmission of heat or heated air so as to be discernible at the boundary of the lot line.
- (4) Vibration. All machines shall be so mounted as to minimize vibration and no vibration shall be produced which is discernible without the aid of instruments at the boundary of the business park district.
- (5) Noxious odors. The emission of any odors which are discernible without the aid of instruments shall be prohibited beyond the boundaries of the business park district.
- (6) Toxic and liquid wastes. The discharge of any toxic or liquid waste material into any outdoor water course or drainage way shall be prohibited.
- (7) Fire and explosion. All activities and all storage of flammable and explosive materials shall be provided with adequate safety and fire fighting devices in accordance with the Uniform Fire Code

as adopted by the city. The storage of petroleum and other flammable products is permitted only as an incidental use and is prohibited in above ground tanks.

- (8) Radioactivity. No operation shall cause radioactivity at any lot lien in violation of the regulations of the Nuclear Regulatory Commission as set forth in Title 10, Chapter 1, Part 20 of the Code of Federal Regulations, and all applicable regulations of the State of Texas.
- (9) Electromagnetic radiation. No operation shall be conducted which shall adversely effect the performance of electromagnetic radiators or receptors other than those of the creator of the radiation.
- (10) Outside storage shall be enclosed within a solid masonry wall or solid heavy timber fence (two (2) inches thick or greater) so as to completely screen all operations conducted within such wall from observation outside the business park district. The wall shall be at least six (6) feet, but not more than twelve (12) feet in height. No storage shall be higher than the height of the screening which shall be maintained in a safe and sightly condition at all times.
- (11) Structures other than buildings which are visible from view outside of the business park district shall be screened by plantings, landscaping, and/or a solid wall/fence at least six (6) feet in height.

Upon application for a certificate of occupancy for any use in a business park district, the director of building inspections may require such evidence as may be necessary to determine whether or not the proposed use will conform to the performance standards set forth above in this section. The director of planning shall provide verification of the proposed use(s) upon request from the director of building inspections.

(m) Rezoning of Property within an "MPCD"

No property within the boundaries of an "MPCD" may be rezoned unless and until the "MPCD" Site Plan is amended pursuant to the provisions contained herein. In particular, any such amendment or rezoning application must be justified in terms of impact to utility infrastructure, roadway infrastructure and goals and purposes of the original Master Planned Community.

(n) Development of an "MPCD" within the City's Extraterritorial Jurisdiction

A "MPCD" may be developed within the City's extraterritorial jurisdiction provided that the "MPCD" is developed pursuant to an approved Master Site Plan as provided in section 35-412 of this code and the "MPCD" is designated as such on the Master Site Plan. The permanent zoning of any "MPCD", that is initially located within the extraterritorial jurisdiction and later becomes part of an annexation, shall be consistent with the "MPCD" Master Plan governing the "MPCD" as provided in Sec 35-307 of this code.

(o) Copy of "MPCD" shall be made available to the public.

The developer or landowner of an approved "MPCD" shall maintain a copy of the "MPCD" site plan within a the sales office(s) located within the "MPCD". The site plan shall be displayed in a prominent location within the office so that it is easily viewable by the public. In addition copies of the site plan shall

be made available to members of the public upon request. This requirement shall continue until all single-family residential property within the "MPCD" is developed.

(p) *Rights granted or recognized by Texas Local Government Code Chapter 245 and Ordinance No. 86715 shall benefit an approved "MPCD".*

- (1) It is hereby found and determined that Texas Local Government Code Chapter 245 and City of San Antonio Ordinance No. 86715, passed and approved September 25, 1997 are applicable to an "MPCD" site plan which complies with this Section. An "MPCD" site plan shall enjoy the protection afforded by the aforementioned provisions of state and municipal law any exception in such laws to zoning notwithstanding.
- (2) In each instance when an "MPCD" site plan obtains final approval from City Council the director of planning shall change the zoning records and maps in accordance with the provisions of the ordinance approving a Master Plan Community.
- (3) Thereafter, staff review of subdivision plat applications, building permit applications or other permit applications necessary for the development of the "MPCD" shall be reviewed in context of the "MPCD" site plan. Should there be a conflict between the requirements of the City Code (excluding the City building code) and the particular "MPCD" site plan as to landscaping, buffering, open space or any other matter addressed in the "MPCD" site plans, the "MPCD" site plan shall control.

35-346 River Walk Districts ("RW-3")

The city council hereby finds that the beautified sections of the San Antonio River and the "Paseo del Rio" constitute an area of the city which is different from any other part of the city and which is unsuited for designation under any of the present zoning district classifications which have been heretofore adopted by the city.

(a) Special zoning district created.

The city council hereby adopts and creates a special zoning district classification designed for properties adjacent to the beautified parts of the San Antonio River, to be known as the river walk overlay district. This overlay district is designed for lots which actually abut the waterway and other properties situated nearby or on accesses to the river, so as to have an effect upon the quiet atmosphere of the river walk area.

(b) Policy manual adopted.

The San Antonio River Walk Policy Manual approved by the River Walk Advisory Commission on February 28, 1984, is hereby adopted. A copy of the policy manual is available with the Director.

(c) Designation of districts; zoning.

The Riverwalk Overlay District shall be designated on the Official Zoning Map as "RWOD."

(d) Permitted Uses

The uses permitted in the RWOD are as established in Ordinance No. 65513, § 2(f) (effective August 13, 1987), which is hereby incorporated by this reference.

(e) Requirements and regulations.

In addition to the above land restrictions, the following requirements and regulations shall apply to all property located within the river walk overlay district:

(1) Outside amplification.

No use shall be made of any property in the river walk overlay district which includes outside amplification except under the terms of this subsection. Outside amplification on a temporary basis may be conducted only after approval given in writing by the Historic and Design Review Commission. For outside amplification on a permanent basis, the written permission of the city council shall be required, the council to grant such permission by ordinance, only upon receiving the recommendation of the Historic and Design Review Commission. "Temporary" means any period of time which is one (1) week or less. "Permanent" means a period of time which is more than one (1) week. Permits issued hereunder

may limit outside amplification as to loudness, location of amplifiers or loudspeakers, time of usage, or any other relevant consideration to protect the quietness of the river walk area and assure that visitors or other landowners or users of property in this zone are not offended or damaged by such activity. No person shall gain any vested rights by issuance of such a permit, inasmuch as any permit may be withdrawn or amended as to its terms at anytime.

(2) Nudity and partial nudity.

No commercial establishment in the river walk overlay district shall be allowed in which, as a part of the entertainment or method of operation, patrons are exposed to nudity or partial nudity. These prohibitions extend to depictions of nudity or partial nudity by motion picture as well as live acts, performances or conduct. In addition, nudity or partial nudity shall not be depicted on any poster, sign or photo which is located in the river walk overlay district and is visible from the publicly owned San Antonio River or river walk (Paseo del Rio), but this prohibition shall not extend to a photo which is a part of a newspaper, magazine or other written publication offered for sale on the premises where displayed. It shall be a violation hereof for the owner or person in possession of any property in the river walk overlay district to permit activity in violation hereof on such property, and it shall also be a violation hereof for any person to expose himself or herself in violation hereof.

(3) Soliciting alms.

No person may beg or otherwise solicit alms, donations or gifts of money or anything of value in the river walk overlay district unless written permission has been granted by the Historic and Design Review Commission which permission may limit such activity in the river walk overlay district as to place, time, method of operation, and any other relevant considerations as determined by the commission, so as to assure that no visitors or other users of the property in the area will be offended or disturbed and to assure that no other activity, customs or use shall be harmed. No person shall gain any vested rights by the issuance of such a permit, inasmuch as any such permit may be withdrawn or amended at any time.

(4) Garbage or trash storage.

No collections, or storage for refuse, debris or garbage produced by any residence, business or industry in the river walk overlay district or elsewhere shall be allowed in a river walk overlay district when such collections or storage is visible from the publicly owned river walk. No hanging of laundry, cleaning rags, mops, or similar items shall be allowed within view of the river walk.

(5) Billboards, signs.

No billboards shall be allowed in the river walk overlay district. Any sign, visual display, or graphic which is located in the river walk overlay district and which is visible from the publicly owned portion of the San Antonio River channel or adjacent walkways must meet the requirements for signs, visual displays, and graphics as set out in Article VI of Chapter 28 of this Code. No sign, visual display or graphic shall be allowed in the river walk overlay district unless it is advertising or giving information concerning a business or activity located on the same lot as the sign, visual display or graphic is located.

(f) Urban Design Standards

Besides the individuality that each building may have, it is desirable for each building's relationship to neighboring structures, as well as the River Walk area in general to be complementary. Sensitivity in

design and a harmonious blending cannot be overemphasized. Original plans by Robert H. H. Hugman provide valuable guidance to the developer on the River Walk and are available for viewing by appointment in the department of planning. Mr. Hugman's plans set the theme for the construction and development of the River Walk, and the Historic and Design Review Commission recommends adherence to the spirit of those plans when renovation, alteration, or new development is planned.

Another consideration during design development of River Walk property is protection of the River Walk's ecoclimate. The River Walk has a special, micro-climate of natural and planted vegetation that requires certain levels and balanced amounts of sunlight, space, and water. Development must be designed to respect and protect those natural requirements, keeping them in balance and not crowding or altering them so that the River Walk's ecoclimate is maintained.

In making recommendations affecting new buildings or structures which will have more than one important facade, such as those which will face both a street and the San Antonio River, the Historic and Design Review Commission shall consider the visual compatibility standards listed below with respect to each important facade.

In considering a certificate application, the Historic and Design Review Commission shall be guided by the original plans of Mr. Hugman and compatibility with the following design considerations:

(1) Site and setting.

- A. Context and history. If a developer intends to utilize property in the River Walk area as any part of a development, he should consider the context of the property and the importance and history of the River Walk setting in the new development.
- B. San Antonio character. The exterior styling of architecture of any new building or the modification or alteration of an existing property in the River Walk area must conform to or be in sympathy with early San Antonio architecture. It should include landscaping and walks which blend with and become a part of the natural landscaping of the River Walk. Proposed materials must be complementary to existing materials.

(2) Building height.

Height at street level and at River Walk level should be visually compatible with adjacent buildings. Design of facades fronting on the River Walk should use Setbacks so that upper levels recede like stair steps from the River. The apparent physical size, scale and height should relate to existing structures without overwhelming them or improperly shading River Walk vegetation.

(3) Building mass and character.

New buildings should look new, reflecting contemporary design standards while using contemporary design elements that relate to the existing structures that surround the new structure. Building height, width, mass and proportion affect the degree of compatibility between the old and the new.

(4) Proportion of openings.

The width and height of windows, doors, and entries should be visually compatible with buildings, structures, public ways, and places in the surrounding area. A long unbroken facade in a setting of

existing narrow structures can be divided into smaller bays which will complement the visual setting and the River Walk.

(5) Rhythm of solids to voids in front facades.

The relationship of solid spaces (i.e., walls) to voids (i.e., windows/doors) in the front facade of a building or structure should be visually compatible with buildings, structures, public ways in the environment surrounding the building.

(6) Rhythm of spacing and buildings/structures on street and River Walk.

The relationship of a building or structure to the open space between it and adjoining buildings or structures should respect the surrounding environment. The building mass of large architectural projects can be varied in form using Setbacks for open space and landscaping when appropriate to provide necessary visual transitions between a large building and the adjacent River Walk area.

(7) Rhythm of entrance porch and other projections.

The relationship of entrances and other projections to sidewalks should be designed with the River Walk and street scene provided by the existing buildings, structures, public ways, and places to which the new structure is visually related as a guide.

(8) Relationship of materials, texture, and color.

The relationship of materials, texture and color of the facade of a building or structure should be chosen with the predominant materials used in existing buildings or structures in mind. The choice of exterior colors and material textures should be tempered by the predominant colors and textures of the surrounding area. Recommended materials include:

- A. Handmade or moulded sand-finish brick laid up with flush, slightly tooled joints to make a warm and textured wall;
- B. Light and subtly contrasted native limestone walls as appropriate and similar to those on the River Walk that were designed by Robert Hugman or found in the La Villita area;
- C. Painted bricks, using an understated color, or stucco;
- D. Mexican masonry products such as Saltillo tile, halfmoons, natural stone, or cast stone for paving surfaces, grills and walls;
- E. Paneled or carved wood for doors;
- F. Wood or painted steel windows;
- G. Dark bronzed anodized aluminum for storefronts, fascia, or similar elements. Avoid use of plain aluminum, reflective glass and glass films;
- H. Wrought iron and similar ornamental metalwork;
- I. Textured, canvas-like awnings and canopies;
- J. Louvered shutters, rough-hewn beams and lintels;
- K. Tile, stone, pebble finished concrete and brick as paving materials;
- L. Native trees and shrubs, potted small trees and plants. No cactus gardens and volcanic rock; and
- M. Replications that use dissimilar materials.

(9) Roof shapes.

The roof shape of a building or structure is a major distinguishing visual element. In most cases a simple roof form similar in form and type as those in the adjacent urban environment is appropriate.

(10) Roof materials.

Roof materials for new or renovated properties are very important to the character of construction. Recommended materials include: metal, either standing seam or copper, steel, template of galvanized iron, painted or unpainted (not corrugated); or tile that is either clay or concrete barrel or shingle, using warm variegated colors laid somewhat irregularly.

(11) Walls of continuity.

Appurtenances of a building or structure such as walls, fences, and landscape masses should, when it is the nature of the environment, form cohesive walls of enclosure along a street, to insure visual compatibility with the buildings, structures, public ways, and places to which such elements are visually related. Landscaping and use of greenery also should be included, especially in parking and sidewalk areas.

(12) Scale of buildings.

The size and mass of buildings and structures in relation to open spaces, windows, door openings, porches, and balconies should be visually compatible with the buildings, structures, public ways and places in the adjacent environment.

(13) Balconies.

No balcony will be added to an existing building without prior approval of the Historic and Design Review Commission. An adequate vertical clearance will be maintained. In general, sidewalk overhangs will be discouraged; however, each request will be reviewed on a case by case basis. Wrought or ornamental iron, wood railings or other indigenous materials are recommended for exterior balconies as applicable.

(14) Encroachment.

No construction, improvements, structures, decorations, or displays will be undertaken or placed on the River Walk easement without the review of the Historic and Design Review Commission. No removal, damage to, change or addition to trees, plants or landscaping will be done without written approval of the Historic and Design Review Commission or the director of parks and recreation.

(15) Signage.

Signs which are out of keeping with the character of the environment in question should not be used. A sign should be designed to relate harmoniously to exterior building materials and colors. A sign should express a simple clear message with wording kept to a minimum.

(16) Auxiliary design.

The site should take into account the compatibility of landscaping, parking facilities, utility and service areas, walkways and appurtenances at both street level and River Walk level. These should be designed

with the overall environment in mind and should be in visual keeping with related buildings, structures and places.

(17) Ecoclimate.

Development plans must properly accommodate the ecoclimate of the River Walk area by not altering cycles of sunlight or changing levels and amounts of space and water to River Walk vegetation by crowding plant life or altering levels of light and water.

(18) Ambient lighting.

Development must not alter unpleasantly the intensity, color temperature, or illumination levels of direct and indirect lighting on the River Walk. Spillover lighting from interiors shall be controlled so as not to alter illumination levels on the River Walk.

(19) Awnings and canopies.

The primary purpose of an awning shall be to provide shade and weather protection to pedestrians.

- A. Size and shape. Awnings shall be proportionate in shape and size to the scale of the building facade to which it will be attached. On historic landmarks or on older buildings, awnings shall be historically appropriate in design and materials.
- B. Materials and lettering. Preferred materials for fabric awnings are fire resistant canvas. Metal canopies may also be appropriate. Lettering on fabric awnings shall be permitted on the front flap only of the awning in a manner proportional to the awning size, but not to exceed one-half the area of the front flap. Symbols or logos may be allowed on the top of the awning not to exceed one-sixth of the square footage of the top of the awning.

(g) Alteration, restoration, and rehabilitation.

In considering whether to recommend approval or disapproval of an application for a certificate to alter, restore, rehabilitate, or add to a building, object, site or structure within the River Walk area the historic and design review commission shall be guided by the following considerations as to whether or not the structure is a non-contributing structure to the River Walk area and environment:

- (1) Every reasonable effort shall be made to adapt a contributing property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.
- (2) The distinguishing original qualities or character of a contributing building, structure, object, or site and its environment, shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (4) Changes which may have taken place in the course of time are evidence of the history and development of a buildings, structure, object, or site and its environment. These changes may

have acquired significance in their own right, and this significance shall be recognized and respected.

- (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object, or site shall be kept where possible. In particular the spirit and intent of the Hugman design for the River Walk shall be retained.
- (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (7) The surface cleaning of structures, objects and appurtenances shall be undertaken with the gentlest means possible, using the Secretary of the Interior's Standards. Sandblasting, high pressure washes, and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project. Archival research shall be required pursuant to the Texas Antiquities Code.
- (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property and the River Walk environment.
- (10) Wherever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

(h) Ordinary repair and maintenance.

Those activities which constitute ordinary repair and maintenance include but are not restricted to:

- (1) Repair using the same material and design as the original;
- (2) Repainting, using the same color;
- (3) Reroofing, using the same type and color of material; and
- (4) Repair of sidewalks and driveways using the same type and color of materials.

A clear photograph of the building, object, or structure to be repaired, a brief description of the intended work, and samples of replacement materials or paint for comparison with the existing building, object, or structure must be furnished with the application.

(i) Signs and billboards.

(1) General provisions.

All signage within the River Walk area or on property in the River Walk area shall conform to all city codes and must have approval of the Historic and Design Review Commission prior to installation. Permits must be obtained following the Historic and Design Review Commission's approval of a certificate of appropriateness and recommendation to the director of planning.

(2) Character of signs.

Signs should respect and respond to the character of the River Walk area. The display of signs and other graphics along the River Walk shall not be permitted except as provided for in this article. This prohibition specifically includes billboards, credit card decals, menus, except as indicated in subsection (d)(5) below, and other signs of a miscellaneous character.

(3) Billboards.

No billboards, junior billboards, portable signs, and advertising benches shall be allowed in the River Walk area. Any sign, visual display, or graphic which is located in the River Walk area and which is visible from the publicly owned portion of the San Antonio River channel or adjacent walkways must meet the requirements for signs, visual displays, and graphics as set out in this division. No sign, visual display or graphic shall be allowed in the River Walk area unless it is advertising or giving information concerning a business or activity that is located on the same lot as the sign, visual display or graphic.

(4) Standards for signage.

- A. Proportion. For all signage, signage width and height must be in proportion to the facade, respecting the size, scale and mass of the facade, building height, and rhythms and sizes of window and door openings.
- B. Size. The maximum allowable size for any sign in the River Walk area and visible from the River Walk shall be eight (8) square feet. If a building surface is used for signage, the letters or design shall not exceed a surface area of eight (8) square feet.
- C. For buildings located on the River Walk area whose facades front on streets or space other than the River Walk, the total area of signage and number of signs for those facades shall conform to the standards required for the Historic Overlay District (see [§ 35-612](#)).
- D. Roof top/parapet signs. No signs shall be displayed from the parapet or roof of any building along the San Antonio River Walk.
- E. Signs for River Walk business only. No sign, visual display, or graphic shall be placed in the River Walk area unless the sign relates to the River Walk area or advertises a bona fide business conducted in, or on premises adjacent to the River Walk area. Only those businesses which have an entrance directly onto the River Walk may display a sign or graphic.

- F. Number of signs. Only one sign shall be allowed for each store, shop, restaurant, nightclub, or place of business in the River Walk Area and fronting on the River Walk. In addition to a sign, establishments serving food or beverages may erect a menu board, which shall be used only for displaying menus.
- G. Menu boards. There may be no more than one menu board per establishment. To be eligible to display a menu board, an establishment must derive seventy-five (75) percent or more of its gross revenue from the sale of food or beverages. Overall maximum size for a menu board is three hundred sixty (360) square inches. The name of the restaurant/nightclub may not be displayed on the menu board if business has another sign installed on premises. It is permissible for the name of the restaurant to be placed on the actual menu. The established logo of a business is considered a sign.
- H. Signage on umbrellas. Advertising brand name products may not be placed on umbrellas which are located on outdoor patio areas. Nor may logos or wording of any kind be placed on umbrellas.
- I. Directory signage. Buildings with several businesses may be permitted to install directory signage in lieu of individual signs.
- J. Revolving signs and attention-getting devices. No revolving signs or attention-getting devices will be permitted.
- K. Illumination. Signs may be illuminated as prescribed herein. The face of an illuminated sign shall be standard opaque glass or other substance of equal or smaller light transmission factor. Flashing lights and exterior neon lights are prohibited. The light source for exterior illumination shall be steady light concealed by a hood or other acceptable method of indirect lighting as approved by the Historic and Design Review Commission and the historic preservation officer.
- L. Temporary signage. Temporary signage may be permitted with prior approval of the historic preservation officer and the Historic and Design Review Commission. Temporary is understood to mean less than thirty (30) days and shall apply to real estate signage, construction signage, and special event signage. Permanent signage shall meet all stipulations, as applicable, of this article.
- M. Real estate signage. Real estate signs shall meet the following standards:
- Maximum size shall be four (4) square feet.
 - The sign should contain the following: (a) Purpose: Such as "For Lease," "For Sale," "For Information," or "Available"; (b) Telephone number; (c) Name or logo of real estate broker or property owner (optional).
 - Maximum allowable size for each of the above three (3) components is four (4) inches high.
 - An empty space (or border) of a minimum of two (2) inches is required on the perimeter of each side of the sign. Also, a minimum of two (2)) inches should exist between each of the components of the sign.
 - Only two (2) colors will be allowed on the sign.

- Only one sign will be permitted for each building for sale or lease which is adjacent to the River Walk. The sign is permitted to remain only while that particular building is for sale or the lease space is available.
 - Certificates will not be required for real estate signage which follows the above guidelines. However, a permit from the department of building inspections is still required. Any variations from these standards must follow the procedures set forth in this article.
- N. Construction signs. Construction signs shall be a maximum of eight (8) square feet and shall use only three colors. Only one sign will be permitted per construction project. The sign will be permitted to remain in place for a maximum of ninety (90) days. The Historic and Design Review Commission will consider a time extension if necessary.
- O. Signs on barges. Only one Historic and Design Review Commission-approved symbol, logo, or sign may be temporarily placed on chartered barges for special events.

(j) Portable carts.

Portable vending carts may be located on leased public property or private property on the River Walk with approval from the historic and design review commission. Applications for a certificate of appropriateness must include details regarding type of cart, items to be sold, method of controlling litter, location, and other pertinent information.

(k) Boats, barges and water taxis.

Any and all private boats, barges, and water taxis allowed to operate on the San Antonio River on a permanent basis will require a certificate of appropriateness from the Historic and Design Review Commission. Details regarding the size and design, type of power sources, and other pertinent information shall be presented to the Historic and Design Review Commission for their review.

35-347 Business Park District (“BP”)

(a) Locational Criteria

A Business Park District may be located adjacent to any Freeway, Arterial, Principal Arterial or non-residential Collector Street.

(b) Development Standards

All uses and Development Activities within a Business Park District shall conform to the regulations for an Office or Institutional Campus, § 35-205, excluding § 35-205(j)(Parks and Open Space Standards). (Applicants electing to seek approval of an Office or Institutional Campus Use Pattern shall be subject to § 35-205(j).)

35-348 Entertainment District (“ED”)

An entertainment district must have within its boundaries as a primary use a theme park or destination resort that is developed as a regional tourist entertainment facility. This district is designed to protect and encourage the creation and development of commercial recreation, tourist, vacation, hospitality, entertainment, sports and leisure facilities and complexes, together with complementary and accessory support facilities, operations and services that are associated with the tourist, hospitality and entertainment industries. The district is specifically created in order to classify such commercial recreation, entertainment and related uses in a distinct zoning category that expressly encompasses such uses, as opposed to the other business districts which do not specifically embody such uses. It is a flexible zoning classification that is intended to allow for a broad range of uses that will create a controlled, favorable environment for the development of diverse commercial entertainment and amusement activities, including by way of example, theme parks, destination resorts, tourist attractions, and other recreation and leisure facilities. Such flexibility permits and encourages an appropriate balancing of land uses that promotes the development of adequate support facilities and services.

(a) Permitted uses.**(1) This district shall permit:**

- A. Commercial entertainment, amusement, recreation and show parks or complexes that are developed as regional visitor tourist attractions and that are organized around a central theme or themes, such as, by way of example, music attractions, marine life attractions, water attractions, amusement rides and attractions, or tours and exhibitions. Such parks and complexes may include the following facilities: Indoor theaters, concert and entertainment facilities, rehearsal and production facilities, open air theaters, water attractions, amphitheaters, grandstand facilities, marine life facilities, guest attractions, rides, water activity areas, merchandise buildings and facilities (indoor and outdoor), playground facilities, arboretums and botanical gardens, food and beverage buildings and facilities (indoor and outdoor), games, arcades, picnic areas and grounds, parking areas, service buildings, administration and operations facilities, main entrance buildings and facilities, security facilities, first aid facilities, wardrobe and locker facilities, and other similar facilities, attractions and activities. Such parks and complexes may also include all related accessory uses, buildings, structures and facilities that are necessary or incidental to the operation of such parks and complexes, including maintenance and fabrication facilities; food, beverage, and ice production preparation; storage and distribution facilities; wardrobe production and assembly facilities; laundry and cleaning facilities; maintenance facilities; salt water production and manufacturing facilities and related filtering, pipe, and plumbing infrastructure; warehouses, open sided shelters, and outdoor storage facilities; craft shops; bakeries; horse stables and equestrian centers; kennels, animal shelter and care facilities, and veterinary medicine facilities; and similar accessory uses and functions.
- B. Destination resorts.
- C. Outdoor amusement and recreation facilities, including but not limited to, golf courses (including customary clubhouses and appurtenant facilities), miniature golf courses, golf

driving ranges, picnic areas, parks and playgrounds, bicycle and motor scooter rental facilities outdoor festivals, hiking trails, swimming pools, equestrian trails, and sports facilities and stadiums.

- D. Indoor amusement and recreational facilities, including but not limited to, bowling alleys, arcades, skating rinks, commercial recreation clubs and facilities, health and exercise oriented facilities, and theaters.
- E. Convention and meeting facilities.
- F. Concert and entertainment facilities and rehearsal and production facilities related thereto.
- G. Television, film and radio studios; recording and production facilities; talent booking and entertainment management facilities; and all related services and activities.
- H. Hotel facilities or complexes, including integrated and complementary recreational and commercial uses and facilities; timeshares; and other lodging facilities such as motels, motor inns, motor hotels, including associated accessory uses.
- I. Campgrounds and recreational vehicle parks, including integrated and complementary recreational and commercial uses and facilities.
- J. Business establishments selling merchandise, food, and beverages.
- K. Personal service establishments, including, but not limited to, barber shops, beauty salons, car rental agencies, kennels, travel agencies, and day care facilities.
- L. Business, financial, governmental, medical, and professional offices, agencies and studios.
- M. Food service and beverage facilities, catering facilities, and related activities, including the sale of alcoholic beverages for on or off premises consumption.
- N. Warehousing and wholesale distribution of foods, wares, and merchandise related to the primary use.
- O. Transportation facilities, including bus, railroad and taxi stations and facilities; tour and travel operations and facilities (including local sightseeing and destination travel services); parking facilities; tram, monorail, skywalk and moving sidewalk facilities; and other people moving facilities.
- P. Religious, cultural, educational, governmental, and social facilities, including but not limited to churches, museums, libraries, auditoriums, and tourist information centers.
- Q. Uses permitted in the MF, NC, C-1, C-2, or C-3 districts.

(b) Height and yard requirements

- (1) **Height.** The height of buildings and other improvements shall not exceed fifty (50) feet at the required perimeter Setbacks as specified by subsection (b). The height of buildings and other improvements may be increased two (2) feet for each one (1) foot they are Setback beyond the required perimeter Setback.
- (2) **Setbacks.** No building or other structure, except streets, walks, and parking facilities, shall be erected within the following Setbacks lines measured along the perimeter of an entertainment district.
 - A. Forty-five (45) feet from any perimeter abutting a developed residential area.
 - B. Twenty-five (25) feet from any perimeter abutting an undeveloped or nonresidential area.
 - C. Internal to this district there are no Setback requirements.

(c) Parking and security lighting.

Parking and security lighting facilities shall be arranged so that the source of light is deflected away from and not directed toward any existing residences abutting the district.

35-349 Sand and Gravel District (“SGD”)

A sand and gravel district (SGD) is a special zoning district permitting the operation of a sand or gravel extraction operation where soil, sand, gravel, and clay may be removed for commercial use on or off the property and those additional uses specifically noted in the following section, such as concrete and asphalt production (with city council approval required within the ERZD) and other uses. A SGD must have within its boundaries, as a primary use, a material extraction and materials processing operation that is designed to extract or process soil, sand, gravel or clay. This district is designed to protect the environmental character of a site and to promote compatible development with adjacent land uses and future redevelopment of the site. SGD is zoning classification that is intended to create a controlled environment for materials extraction and processing related directly to sand or gravel pits.

(a) Permitted uses.

Within a SGD only those uses directly related to the operation of the material extraction process shall be permitted. Such related uses are limited to the extraction, processing, storage, production of finished products, and shipment of such materials and products from within the property and are specifically limited to the following:

- (1) Testing for, or extraction of, raw materials such as sand, soil, clay, gravel, or other similar materials that are mined or removed without the use of blasting or explosives.

- (2) The processing and handling of extracted materials including, but not limited to, loading, screening, washing, sorting, stockpiling, and distribution by rolling equipment or conveyor systems.
- (3) Production of materials and finished products through processing plants, including, but not limited to, concrete, bulk or bagged sand, soil, clay and/or gravel.
- (4) Warehousing and storage of bulk or bagged sand, soil, clay, cement and/or gravel as well as exterior storage of sand, soil, clay and gravel in bulk form.
- (5) Laboratory, weighing, and testing facilities for conducting test and chemical analysis of materials.
- (6) The administrative activities associated with such uses including, but not limited to, offices and associated uses.
- (7) Outdoor storage of materials, equipment, spare parts and supplies.
- (8) Above ground fuel storage that meets all applicable government regulations.
- (9) Transportation related uses and facilities including, but not limited to the use of trucking and railroad vehicles for transporting materials and product, to and from the SGD. This would include maintenance, repair, and storage of the equipment and vehicles utilized by the sand or gravel pit operator.
- (10) A preexisting sand or gravel pit in legal operation located in a temporary post-annexation zoning district, or an RE residential zoning district or in an I-1 or I-2 industrial zoning district, may continue after the adoption of these regulations or after the rezoning of the property on which the operation is located to SGD.

(b) Operating standards.

It is the intent of these regulations to allow the existence of sand, soil, clay and/or gravel extraction and processing in a manner which is sensitive to surrounding land uses and cognizant of the concerns of neighborhood and environmental interest with respect to protecting water quality, quality of life and ensuring protection of the environment. As such, the following operating standards are established to allow sand or gravel pit operations located within a SGD to be carried out in a manner that is compatible with surrounding land uses. All extraction, processing, and related operations performed in a SGD shall be done and shall operate in conformance with the standards set forth in each applicable subsection below.

- (1) Frontage requirements. All property within a SGD shall have a minimum of sixty (60) feet of frontage on at least one (1) adjacent public right-of-way or recorded easement at least sixty (60) feet in width, which provides ingress or egress to public roads. Regardless of the frontage provided onto public roads a SGD shall comply with the provision of subsection (7), clear vision and queuing, below.
- (2) Natural buffer. A natural area shall be maintained around the perimeter of the property within the district and no grading, removal, or disturbance of native plant material shall be allowed within

fifty-five (55) feet of any perimeter property line of the property within the district or public right-of-way except as required for establishing fencing and berming as provided for herein and for permitting an eighteen-foot-wide access road for the purpose of establishing and maintaining fencing, landscaping, access and/or security patrol.

- (3) Screening requirements. Notwithstanding subsection (2) above, greater visual screening shall be required at any point where the extraction is located within one hundred (100) feet of a public right-of-way carrying pedestrian or vehicular traffic. In such areas, the visual screen shall not be less than six (6) feet in height at or near the property line and shall be made up of any combination of the following materials: existing native plant materials, supplementary plant materials, existing grading, berming, and/or fencing.
- (4) Fencing requirements. A fence shall be provided around the perimeter of the property or not less than twenty-five (25) feet from the outer edge of any excavation that is ten (10) feet or greater in depth.
- (5) Excavation Setbacks. No excavation or extraction of material (other than is required for the installation and maintenance of fences, landscape screen, access points, crossings, or clear vision zones at entry points) shall be permitted closer than fifty-five (55) feet from the property line of the SGD district or closer than fifty-five (55) feet from any public right-of-way, unless and except for any point at which the operations cross said public right-of-way. Due to the unique nature of sand and gravel operations and their related operations, article VI of this chapter shall not apply within a SGD.
- (6) Facility Setbacks. For individual or grouped SGD districts greater than ten (10) acres in size, all facilities for the production of excavated and processed products shall be located at least one hundred (100) feet from the property line of any adjoining property that is developed and/or zoned for residential uses at the time the facilities are constructed or installed, and at least fifty-five (55) feet from any public right-of-way on which pedestrian or vehicular access is allowed except for at points of crossing said right-of-way. Such crossing shall not exceed the width limitations established by the governmental authority having jurisdiction over the applicable right of way.
- (7) Clear vision and queuing requirements. For individual or grouped SGD districts greater than ten (10) acres in size, a triangular clear vision zone shall be provided on the subject property at the intersection of all access points with public roads to provide an area of clear vision of vehicles. The zone shall be defined by a triangle consisting of three hundred (300) feet parallel with the public road and fifty (50) feet along the access road or drive measured from the intersection point of the two (2) rights-of-way. A queuing area accommodating four (4) trucks of no less than twenty-four hundred (2,400) square feet shall be provided between the edge of the public right-of-way and the access point or gate station, which ever is nearest the public right-of-way.
- (8) Pit walls and slopes. All walls of the pit or excavated areas shall be maintained in compliance with applicable state and federal safety requirements.
- (9) Floodplain protection. No building may be placed or excavation be conducted within one hundred fifty (150) feet from the outer limit of a 100-year floodplain. All NPDES and TNRCC requirements must be met any time the sand or gravel pit operations come within one hundred fifty (150) feet of a 100-year floodplain to prohibit silt or sediment from entering the creek or

stream. These restrictions will not apply in any case where the floodplain is located more than one hundred fifty (150) feet inside the property line of the SGD. The buffer required by this provision shall in no case be wider than one hundred fifty (150) feet from the boundary line of the SGD.

- (10) Water quality protection. Operations within a SGD shall comply with all applicable water quality standards set forth in chapter 34 of this Code.
- (11) Industrial waste monitoring. Upon request of the city fire department and/or city public works environmental, any person operating an activity within a SGD shall provide, to the requesting agency's satisfaction, documentation evidencing the characterization, handling, and disposal of any industrial waste generated within the SGD. Documentation which will satisfy the characterization inquiry includes process knowledge literature and/or waste analysis records.
- (12) Material safety data. Upon request of the city fire department, independent of the Federal Emergency Planning and Community Right to Know Act, (EPCRA) any person operating an activity within a SGD shall provide copies of material safety data sheets (MSDS) for material maintained, stored, or used within the SGD. The materials, subject of this section, are those materials whose properties for volatility, flammability, explosive potential, corrosiveness, radioactivity, or other toxic or hazardous property allow them to be listed in the North American Emergency Response Guidebook, current edition and as amended.

(c) Identification of boundaries and surrounding uses/ERZD environmental assessment report.

- (1) Within twenty (20) days prior to the submission of a zoning case to the zoning commission for obtaining SGD zoning on a property, a boundary map and metes and bounds description shall be provided by the applicant showing the outer perimeter line of the property that is owned, leased, under contract, or optioned by the operator and which the operation is to utilize. This boundary description and drawing shall be submitted to the city planning department and shall be considered the official boundary description on which the SGD will be established and within which the permitted uses allowed in the district will be allowed. All set backs and distance requirements shall be measured from the boundary lines identified on the boundary map provided under this section. If the applicant is not the owner of the property the applicant shall provide written authorization to act as agent on behalf of the owner in a form acceptable to the city attorney.
- (2) An application for rezoning to an SGD zoning designation shall include an Environmental Assessment Report as required by §35-471 when the subject property is within the Edwards Recharge Overlay Zoning District (ERZD). This requirement pertains to assessment of environmental impact by the city water system.

(d) Site plan requirements.

If an application for zoning as a SGD is submitted for a site greater than ten (10) acres in size a site plan shall be submitted at the time any property owner initiates a zoning case by filing a zoning application requesting the establishment of a SGD. The site plan shall be submitted to the planning department and shall graphically depict, generally to scale, the location and size of all then existing permanent and affixed structures, buildings, and facilities, and the location of any proposed facilities or buildings (if

known), in relation to the boundaries of the property. The site plan shall also illustrate the location of all then existing access points and their relationship to adjoining or crossing major thoroughfares. The information required by this section may be incorporated into the boundary map required by subsection (c) hereto and an aerial photo may be used as the base document for the site plan.

If requested by SAWS for consideration of a SGD zoning application within the ERZD, the applicant shall provide SAWS with a site plan, regardless of size of the area that has been requested to be zoned, if this information is necessary to perform the review required by § 35-471 of this Code.

(e) Signs.

Signs surrounding or within SGD may be used to provide the following:

- (1) To identify the extraction or manufacturing operation;
- (2) To inform customers of the facility with respect to access points and the existence of the facility;
- (3) To identify the occupants or operations within a specific building or area of the district; and
- (4) To provide directional, safety, and other information to the general public, occupants, employees, patrons, and visitors to the district.
- (5) Signs within a SGD shall be in conformity with chapter 28 of this Code (Signs and Billboards) to the extent those regulations apply. Signs shall be posted at all exit points from a permitted district QD to a public road that reminds truckers that their loads must be covered in accordance with city and state regulations that impose fines if violated.

(f) Blasting.

No blasting or use of any explosive shall be permitted within a SGD.

(g) Asphaltic concrete production--Special use.

No asphaltic concrete production plants or storage of asphalt materials may be utilized within a SGD that is located in the ERZD, unless specific city council approval (CC) for such activity is granted for the SGD. If such approval is granted, asphaltic concrete production may occur within the area(s) of a SGD located within the ERZD for which such CC approval is given provided such use complies with the applicable requirements of the TNRCC, the EPA, and of this chapter.

(h) Existing uses allowed.

Any use such as, but not limited to, livestock grazing, ranching operations, residential structures, barns, offices, etc. that are in existence, allowed by lease, or that are otherwise nonconforming under Article 7, Division 1, of this chapter at the time the SGD is established on the sand or gravel pit(s) and reserve property may continue.

35-350 Quarry District (“QD”)

The quarry district (QD) is a special zoning district intended to allow for a quarry and related uses for the extraction of limestone and other raw materials and the processing of those materials into finished products. A QD must have within its boundaries, as a primary use, a material extraction and materials processing operation that is designed to extract limestone or any other similar materials which are mined on the property and/or which are processed on the property subsequent to mining. This district is designed to protect the environment and promote compatible land use relationships with adjoining properties and to allow for the safe development of commercial quarrying, cement, concrete products and lime manufacturing, and related industries, together with accessory support facilities that relate directly to the on-site quarrying, processing, and manufacturing operations. The district is specifically created in order to classify such materials extraction, processing and related uses in a district zoning category that expressly encompasses such uses, as opposed to the other ordinary districts within the permitted uses table, which do not specifically embody, collectively, such uses. QD is a zoning classification that is intended to allow for a broad range of directly related uses that would create a controlled environment for the development of diverse material extraction and processing activities, including by way of example but not limited to, mining, blasting, extraction, processing, handling, crushing, washing, screening, sorting, stockpiling, and the production, packaging, distribution, and transportation of: aggregate, ready-mix concrete, asphaltic concrete (with city council approval required within the ERZD), quicklime and hydrated lime, cement, concrete, precast and prestressed concrete products, Portland cement, concrete pipe, concrete blocks, and other concrete products within the district, including activities required for the support of such directly related operations, including but not limited to vehicle and rail maintenance and repair facilities, office and dispatch facilities, outdoor storage of materials, and other operations incidental to quarry operations.

(a) Applicability

QD use regulations and operating standards set forth in this subdivision shall apply to all quarry and related processing uses within a QD district.

(b) Permitted uses.

Within the district no building, structure, or land shall be used for any purpose other than the following, or any combination thereof, provided that such uses take place within the site specific boundaries of the district designated as QD, or on which said activities are otherwise permitted by law, in accordance with the operating standards for this zoning district:

- (1) Testing for or extraction of raw materials such as limestone or other similar materials that are mined or removed without the use of blasting or explosives (or using blasting or explosives if approved under subsection (g) hereto).
- (2) The processing and handling of extracted materials including, but not limited to, loading, crushing, screening, washing, sorting, stockpiling, and distribution by rolling equipment or conveyor systems.
- (3) Production of materials and finished product through processing plants, including but not limited to cement plants, lime plants, ready-mix concrete plants, concrete batch plants, asphaltic

concrete plants, pug mills and production facilities for precast and prestressed concrete, concrete blocks, packaged cement, packaged concrete, and concrete pipe.

- (4) Warehousing and distribution facilities for finished products and raw materials such as mined aggregate, raw cement in various stages of production (i.e., cement powder, clinker, gypsum, etc.).
- (5) Laboratory, weighing, and testing facilities for conducting tests and chemical analyses of materials.
- (6) The administrative activities associated with such uses including, but not limited to, offices and associated uses.
- (7) Outdoor storage of materials, equipment, spare parts and supplies.
- (8) Transportation related uses including, but not limited to the use of equipment, and trucking and railroad vehicles for transporting quarry materials and product to and from the particular site(s). This would include maintenance, repair, and storage of the equipment, and trucking and/or railroad vehicles utilized by the operator of the QD.
- (9) Above ground fuel storage that meets all applicable government regulations.
- (10) A preexisting quarry use in legal operation located in the RP or RE zoning districts or in an I-1 or I-2 industrial zoning districts may continue after the adoption of these regulations or after the rezoning of property to QD.
- (11) Rail, vehicle and equipment maintenance facilities.

(c) Operating standards.

It is the intent of these regulations to allow the existence of quarrying and processing operations which are sensitive to surrounding land uses and cognizant of the concerns of neighborhood interest and environmental interest with respect to protecting quality of life and ensuring protection of the environment. As such, the following operating standards are established to allow the quarry and processing operations to be carried out in a manner that is as compatible as possible with the surrounding land uses. All quarrying, processing, and related operations that are not the subject of nonconforming rights and that are performed in a quarry district (QD) shall be done and shall operate in conformance with the standards set forth in each applicable subsection below.

(1) Frontage requirements.

All property within a QD shall have a minimum of sixty (60) feet of frontage on an adjacent public right-of-way or recorded easement, at least sixty (60) feet in width, which provides ingress or egress to public roads. Regardless of the frontage provided onto a public road a district shall comply with the provision of subsection (7), Clear vision and queuing, below.

(2) Natural buffer.

A natural area shall be maintained around the perimeter of the property within the district and no grading, removal, or disturbance of native plant material shall be allowed within fifty-five (55) feet of any perimeter property line of the property within the district or public right-of-way, except as required for establishing required berms and fencing and for an eighteen-foot-wide access road for the purpose of establishing and maintaining fencing, landscaping, access and/or security patrol.

(3) Screening requirements.

Notwithstanding subsection (2) above, visual screening shall be required at any point where the active quarry pit is located within one hundred (100) feet of a public right-of-way carrying pedestrian or vehicular traffic. The visual screen in such areas shall not be less than six (6) feet in height at or near the property line and shall be made up of any combination of the following materials: existing native plant materials, supplementary plant materials, existing grading, berming, and/or fencing.

(4) Fencing requirements.

A fence shall be provided around the perimeter of the property or not less than twenty-five (25) feet from the outer edge of any excavation that is ten (10) feet or greater in depth.

(5) Excavation Setbacks.

No excavation or extraction of material, other than is required for the installation and maintenance of fences, landscape screen, access points, crossings, or clear vision zones at entry points, shall be permitted closer than fifty-five (55) feet from the property line of any property adjoining the property located in the district that has been zoned for single-family residential use at the time such excavation or extraction has begun, or closer than fifty-five (55) feet from any public right-of-way, unless and except for any point at which a quarry or quarrying operations cross said public right-of-way. Such crossing shall not exceed the width limitations established by the governmental authority having jurisdiction of the applicable right-of-way. Due to the unique nature of quarries and their related operations, article 5, Division 3 of this chapter shall not apply within a QD.

(6) Facility Setbacks.

All facilities for the production of finished products that are made from excavated materials (i.e., ready-mix concrete batch plants, lime plants, cement plants, concrete block plants, cement packaging plants, precast and prestressed yards, concrete pipe plants, and other similar facilities), which are constructed or installed after the effective date of this section, shall be located at least one hundred (100) feet from the property line of any adjoining property that is developed and/or zoned for residential uses at the time the facilities are constructed or installed, and at least fifty-five (55) feet from any public right-of-way on which pedestrian or vehicular access is allowed except for at points of crossing said right-of-way.

(7) Clear vision and queuing requirements.

A triangular clear vision zone shall be provided at the intersection of all access points with public roads to provide an area of clear vision for vehicles. The zone shall be defined by a triangle consisting of three hundred (300) feet parallel with the public road and fifty (50) feet along the access road or drive measured from the intersection point of the two right-of-ways. A queuing area sufficient to accommodate four (4) or more trucks of no less than two thousand four hundred (2,400) square feet shall be provided

between the edge of the public right-of-way and the access point or gate station, which ever is nearest the public right-of-way.

(8) Floodplain protection.

No building may be placed or excavation be conducted within one hundred fifty (150) feet from the outer limit of a 100-year floodplain. All NPDES and TNRCC requirements must be met any time the quarry operations come within one hundred fifty (150) feet of a 100-year floodplain to prohibit silt or sediment from entering the creek or stream. These restrictions will not apply in any case where the floodplain is located more than one hundred fifty (150) feet inside the property line of the QD. The buffer required by this provision shall in no case be wider than one hundred fifty (150) feet from the boundary line of the QD.

(9) Water quality protection.

Operations within a QD shall comply with applicable water quality standards set forth in chapter 34 of this Code.

(10) Industrial waste monitoring.

Upon request of the city fire department and/or city public works environmental, any person operating an activity within a QD shall provide, to the requesting agency's satisfaction, documentation evidencing the characterization, handling, and disposal of any industrial waste generated within the QD. Documentation which will satisfy the characterization inquiry includes process knowledge literature and/or waste analysis records.

(11) Material safety data.

Upon request of the city fire department, independent of the Federal Emergency Planning and Community Right to Know Act (EPCRA), any person operating an activity within a QD shall provide copies of material safety data sheets (MSDS) for material maintained, stored, or used within the QD. The materials, subject of this section, are those materials whose properties for volatility, flammability, explosive potential, corrosiveness, radioactivity, or other toxic or hazardous property allow them to be listed in the North American Emergency Response Guidebook, current edition and as amended.

(12) Blasting Setback.

Blasting shall not be allowed within three hundred (300) feet of a residential structure under construction or completed at the time the QD is established. This requirement shall not apply in any case were the owner of such a residential structure has consented in writing to blasting occurring within less than three hundred (300) feet of the structure.

(d) Identification of boundaries and surrounding uses/ERZD environmental assessment report.

- (1) Prior to the submission of a zoning case to the zoning commission for obtaining QD zoning on a property, a boundary map and metes and bounds description shall be provided by the applicant showing the outer perimeter line of the property that is owned, leased, under contract, or optioned by the operator and which the operation is to utilize. This boundary description and

drawing shall be submitted to the city planning department and shall be considered the official boundary description on which the QD will be established and within which the permitted uses allowed in QD will be allowed. All Setbacks and distance requirements shall be measured from the boundary lines identified on the boundary map provided under this section. If the applicant is not the owner of the property the applicant shall provide written authorization to act as agent on behalf of the owner, in a form acceptable to the city attorney.

- (2) Additional site information shall be made available by the applicant upon request by SAWS when such information is found to be necessary to perform the environmental assessment required by §35-471.
- (3) Given the unique nature of quarries and quarrying operations, the city hereby adopts the policy that all residential lots within a subdivision plat located one thousand five hundred (1,500) feet or less from a QD at the time of platting, be required to have a notation stating that a permitted QD is located within one thousand five hundred (1,500) feet of the given lot. The distance shall be calculated as the shortest straight line from the closest point on the lot's property line to the closest point on the permitted quarry district boundary.
- (4) The processing of an application for a QD zoning designation shall comport with requirements of §35-471 of this Code when the subject property is within the Edwards Recharge Overlay Zoning District, "ERZD." This requirement pertains to assessment of environmental impact by the city water system.

(e) Site plan requirements.

A site plan shall be submitted at the time any property owner initiates a zoning case by filing a zoning application requesting the establishment of a QD. The site plan shall be submitted to the city planning department and shall graphically depict, generally to scale, the location and size of all permanent and affixed structures, buildings, and facilities in existence at the time of submission, and the location of any proposed facilities of buildings (if known), in relation to the boundaries of the property. The site plan shall also illustrate the location of all access points and their relationship to adjoining or crossing major thoroughfares. The information required by this section may be incorporated into the boundary map required by subsection (d), and an aerial photo may be used as the base document for the site plan.

(f) Signs.

Signs surrounding or within a QD may be to provide the following:

- (1) To identify the quarrying or manufacturing operations located within the district;
- (2) To inform customers of the quarry facility with respect to access points and the existence of the facility;
- (3) To identify the occupants or operations within a specific building or area of the district; and
- (4) To provide directional, safety, and other information to the general public, occupants, employees, patrons, and visitors to the district.

- (5) Signs within a district shall be in conformity with chapter 28 of this Code (Signs and Billboards) to the extent those regulations apply. Signs shall be posted at all exit points from a permitted QD to a public road that reminds truckers that their loads must be covered in accordance with city and state regulations that impose fines if violated.

(g) Special use--Blasting.

No blasting or use of explosives shall be permitted within a QD established after December 31, 1998, unless a Specific Use Permit for such activity is granted for the QD. If such approval is granted, blasting may be used within the boundaries of the QD provided such use complies with the applicable requirements of the Uniform Fire Code (UFC), as amended and adopted by the city council, and with chapter 16 of this Code.

(h) Special use--Asphaltic concrete production.

No asphaltic concrete production plants or storage of asphalt materials may be utilized within a QD located in the ERZD unless a Specific Use Permit for such activity is granted for the QD. If such approval is granted, asphaltic concrete production may occur within the area(s) of the QD for which such approval is given provided such use complies with the applicable requirements of the TNRCC, the EPA, and of this chapter.

(i) Reuse of QD after termination concept.

After the quarry and related uses have terminated within a QD, the property shall not be redeveloped for any purpose until a beneficial reuse concept plan (BRCP) has been prepared and submitted in accordance with the regulations of chapter 16 of this Code and a new permanent base zoning district (i.e., R-6, R-20) has been applied for and received through the required public process including, at a minimum, one (1) or more public hearings before the zoning commission and the city council. At the time the application for rezoning the property for the new permit base zoning district is submitted, SAWS shall file as part of the zoning case a report reflecting the results from the inspections made by SAWS of the property being rezoned. The SAWS report shall also indicate whether the quarry operation is in apparent compliance with all of its state and federal environmental permits.

(j) Existing uses allowed.

Any use such as, but not limited to, livestock grazing, ranching operations, residential structures barns, offices, etc. that are in existence, allowed by lease, or that are otherwise nonconforming under article III, division 4 of this chapter at the time QD is established on the quarry and reserve property may continue.

35-351 Military Reservation District ("MR")

These districts are used to designate federal and state military reservations within the city limits of San Antonio. In accordance with Vernon's Texas Codes Annotated, Local Government Code Section 211.013, the city's zoning regulations do not apply to buildings, other structures, or land under the control, administration, or jurisdiction of a state or federal agency and uses within these districts are regulated solely by the responsible federal or state agency. In the event any land within this classification

is sold, released, or otherwise conveyed to private ownership, the zoning commission shall institute proceedings on its own motion to appropriately rezone the land in harmony with the intent of this chapter according to the rules and regulations established herein for changes in zoning classifications.

35-352 Development Reserve (“DR”)

(a) Purpose

The purpose of the Development Reserve (“DR”) zoning district is to provide a temporary zoning classification for newly-annexed property. While use restrictions are imposed pursuant to the “DR” district:

- (1) it is recognized that the annexed property may be compatible for a use permitted in any zoning district; and
- (2) it is the policy of the City to rezone the property to an appropriate zoning classification as soon as practicable.

(b) Development Restrictions within “DR” Zoning Districts

- (1) Uses permitted within a “DR” zoning district shall be the uses permitted in the “R-6” zoning district unless and until the property is rezoned to another zoning district.
- (2) The development standards applicable to a “DR” zoning district shall be the those required within the “R-6” zoning district unless and until the property is rezoned to another zoning district.

35-353 Neighborhood Preservation (“NP”) Districts

(a) Purpose

The Neighborhood Preservation Districts are designed to protect existing platted subdivisions which are substantially developed with single-family detached dwelling units. It is the policy of the City that these districts will be applied only to platted subdivisions which are recorded as of the effective date of this Chapter, in order to prevent such subdivisions from being further subdivided in a manner in order to avoid congestion in the streets, prevent safety hazards, protect the health and general welfare of subdivision residents, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, and facilitate the adequate provision of public facilities. The “NP” districts are not appropriate for the downzoning of unsubdivided parcels or tracts.

(b) Establishment

The following “NP” districts are hereby established and referred to collectively herein as “NP” districts:

NP-8
NP-10

NP-15

(c) Permitted Uses

The uses permitted within an “NP” district are the same as the uses permitted within an “R-6” district.

(d) Dimensional Regulations

The setback and height regulations for uses and structures within an “NP” district shall be as follows:

(A) Zoning District	(B) Minimum Lot Size Conventional	(C) Maximum Density	(D) Minimum Frontage	(E) Minimum Lot Width	(F) Maximum Lot Width	(G) Maximum Building Height	(H) Minimum Front Setback	(I) Maximum Front Setback	(J) Minimum Side Setback	(K) Minimum Rear Setback
NP-15	15,000	3	55	75	—	35ft/2-½ stories	10	—	5	30
NP-10	10,000	4	45	65	—	35ft/2-½ stories	10	—	5	20
NP-8	8,000	5	40	60	150	35ft/2-½ stories	10	—	5	20

(e) Nonconforming Lots

The rezoning of an existing subdivision to an “NP” district may at times result in lots which do not conform to the new zoning district lot sizes. In such cases, a single-family detached dwelling, and any uses accessory thereto, shall be permitted as provided in § 35-702(c) of this Chapter.

35-354 Manufactured Housing (“MH”) District**(a) Purpose**

The “MH” districts are composed of areas suitable for manufactured homes and compatible uses. The districts are intended to provide suitable locations for HUD-code manufactured homes on individual lots as well as for manufactured home parks. The district regulations are designed to provide adequate protection both for the manufactured homes and for the surrounding development.

(b) Permitted Uses

The permitted uses within an “MH” district shall be those uses permitted in an “R-6” district, and manufactured homes and manufactured home parks.

(c) Manufactured Homes on Individual Lots

- (1) HUD-code manufacture homes may be located on individual lots outside of a manufactured home park provided they are permanently installed and limited to one home per lot. In addition they shall be subject to the following standards which are designed to ensure acceptable

compatibility in exterior appearance between HUD-code manufactured homes and site built dwellings that have been or may be constructed in adjacent or nearby locations.

- (2) HUD-code manufactured homes shall be permanently affixed to a foundation with a visible foundation system and skirting acceptably similar in appearance to foundations of site built residences. The foundation shall form a complete enclosure under exterior walls. Wheels and axles shall be removed. All units must also have covered front and rear entries, and site built steps and porches.
- (3) The minimum width of a HUD-code manufactured home, excluding any attendant structures or additions assembled on the site, shall be twenty (20) feet.
- (4) Each HUD-code manufactured home shall have a sloping roof with eave projections of at least six (6) inches, constructed with material generally acceptable for site built housing. The pitch of the main roof shall not be less than one (1) foot of rise for each four (4) feet of horizontal run.
- (5) Any materials that are generally acceptable for site built housing may be used for exterior finish if applied in such a manner as to be similar in appearance, provided, however, that reflection from such exterior shall not be greater than from siding coated with clean, white, semigloss enamel paint.

(d) Dimensional Regulations

The dimensional regulations for an "MH" district are the same as those applicable to an "R-4" district (see § 35-310 of this Article).

35-353 to 35-359 Reserved